

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE: NEW ENGLAND )  
COMPOUNDING PHARMACY, INC. )  
PRODUCTS LIABILITY )  
LITIGATION )  
 )  
 )

**Master File No: 1:13-MD-2419-RWZ**

**This document relates to:**

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PATRICK O. JOHNSTON, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ALAUNUS PHARMACEUTICAL, )  
LLC, IMAGE GUIDED PAIN )  
MANAGEMENT, P.C., INSIGHT )  
HEALTH SERVICES CORP., )  
INSIGHT HEALTH CORP., )  
INSIGHT HEALTH SERVICES )  
HOLDINGS CORP., JOHN M. )  
MATHIS, M.D., )  
 )  
Defendants. )  
 )

**No. 1:14-cv-12937-RWZ**

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**Motion for Partial Judgment on the Pleadings and Request for Oral Argument**

COME NOW Image Guided Pain Management, P.C., John M. Mathis, M.D. (collectively “IGPM”), by counsel, and pursuant to Federal Rule of Civil Procedure 12(c) and Local Rule 7.1 move for judgment on the pleadings on Count II (Negligence Per Se), Count IV (Fraud), Count V (VCPA), Count VII (Express Warranty), Count VIII (Implied Warranty). The arguments and authorities in support of this motion are set forth in Defendants’ Consolidated Memorandum in Support of Motion for Partial Judgment on the Pleadings, being filed contemporaneously herewith.

In addition, pursuant to Local Rule 7.1(d), IGPM requests that the Court reserve a date for oral argument of the above-referenced dispositive motion.

IMAGE GUIDED PAIN MANAGEMENT, P.C.,  
JOHN M. MATHIS, M.D.

/s/ John T. Jessee

Of Counsel

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CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing dated August 27, 2014.

/s/ John T. Jessee  
John T. Jessee